IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

Bail Appl..No. 6330 of 2007()

CRIME NO.212/07 OF VIZHINJAM POLICE STATION

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PETITIONER/2ND ACCUSED

SHAMNAD, AGED 18 YEARS, S/O. RASHEED,
RESIDING AT MEDAYIL VEEDU, THIRUVALLAM VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.R.BINDU (SASTHAMANGALAM)
SRI.PRASANTH M.P

RESPONDENTS: COMPLAINANT & STATE

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1. THE CIRCLE INSPECTOR OF POLICE,
VIZHINJAM POLICE STATION, VIZHINJAM.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P. SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 6330 OF 2007

Dated this the 22nd day of October, 2007

ORDER

Application for anticipatory bail. The petitioner is the 2nd accused. Altogether, there are 8 accused persons. The petitioner and the 1st accused along with another are named in the F.I.R. The alleged incident took place on 14/5/07 at 1 a.m. The crux of the allegations is that the accused persons armed with dangerous weapons had trespassed into a bar hotel. They had allegedly indulged in wanton acts of violence and mischief. Dangerous weapons were used. The de facto complainant has suffered injuries. Another employee of the bar also had suffered injuries. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The co-accused (A1) had come to this Court for anticipatory bail and as per the order dated 8/10/07 in B.A. No.

5869/07, this Court had dismissed the anticipatory bail application of the said accused. This order must be read in continuation of the said order. I am hence not adverting to the facts in any greater detail in this order.

3. The learned counsel for the petitioner submits that the role assigned to the petitioner is not exactly identical to that of the 1st accused and therefore a distinction must be made in the case of the petitioner herein. I find no crucial significance to the specific overt acts considering the nature of the allegations raised that all the accused armed with dangerous weapons entered the bar hotel and indulged in the acts of violence. Specific overt acts do not, according to me, constitute any great significance in the facts and circumstances of this case. Therefore, any distinction in the overt acts even if it be there cannot be entitle the petitioner for an order of anticipatory bail.

4. In the result, this bail application is dismissed; but with the observation that if the petitioner surrenders before the Investigating Officer or the learned Magistrate and seeks bail,

after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously.

Sd/-
(R. BASANT, JUDGE)

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P.S. to Judge